

REMARKS/ARGUMENTS

Claim Objections

The Examiner asserts that claims 4-5 and 14-16 are improper dependent claims and therefor were on examined on their merits.

This comment makes it clear that the Examiner examined the wrong set to claims. A preliminary amendment was filed in this application dealing with these issues. These claim objections are not meritorious.

Since claims 4-5 and 14-16 have not been examined on their merits (*vis-a-vis* the prior art) and since applicant is entitled to a non-final official action regarding them, if the Examiner is not prepared to allow this application in view of the amendments made herein, then the next official action must also be a non-final official action.

The Examiner objects to claims 1, 6 and 14-17 for allegedly missing a leading article (a or an). This objection is not proper. See MPEP 2173.01.

The Examiner objects to claims 2-5, 7-13 and 18-19 for allegedly missing a leading article (the). This objection is not proper. See MPEP 2173.01.

The Examiner objects to claims 17-18 for allegedly containing "out of place number labels". The Applicant respectfully notes that the number labels were deleted by the preliminary amendment, but also indicated that it is not understood what the Examiner meant by stating that the numbers were "out of place". Applicant notes that it is perfectly acceptable to include number labels in claims, but applicant chooses not to use them in this application.

Claim Rejections - 35 USC § 112

Claims 3-4 and 8-12 have been amended with an eye to overcoming the issues raised by the Examiner.

Claim Rejections - 35 USC § 102

Claims 1-2, 6, 13, and 17-18 are rejected as being fully anticipated by Droms (FRC 2131).

Claim 1

Claim 1 has been amended, in part, as follows:

transmitting to said requesting device network settings ~~after~~ in response to the expiration of said first period unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period.

The Examiner read the “first timer” on a DHCP lease and the “transmitting” limitation on the next DHCPOFFER/DHCPREQUEST after the lease expires. Amended claim 1 now recites that the transmission of network settings occurs “in response to the expiration of said first period” which does not happen in the least expiration scenario. Claim 1 also recites that the transmission of network settings occurs “unless another one of said set of devices supplies network settings to said requesting device before the expiration of said first period” which also serves to differentiate claim 1 from Droms. For support see paragraphs 0052 - 0055.

Claim 6

Claim 6 has been amended, in part, as follows:

starting a first timer, with a first duration T₁, in response to the detection of said Dynamic Host Control Process (DHCP) request issued by said newly connected requesting device;
testing whether said DHCP request received a response from a DHCP server;

terminating the process in response to the detection of said response within said first duration;

at the termination of first duration T_1 , if no DHCP server responded to said DHCP request, then starting a second timer with a second duration T_2 which is computed from a set of predetermined criteria and completing said process if an answer to said DHCP request is detected during said second duration T_2 ;

The Examiner did not make clear what he felt the recited second timer read upon in Droms. Nevertheless, the claim has been amended to give it more context, particularly as to when the recited second timer is utilized. It is believed that claim 6 patentably distinguishes itself from Droms.

Claim 17

The rejection of claim 17 is respectfully traversed. In rejecting this claim the Examiner asserts that a DHCP request is made to the network and if no answer is received (meaning that a DHCP server is either non-existent or dead) then you test for the existence of a gateway (which the Examiner reads on a DHCP server) and get the particular set of parameters.

The problem with this analysis is that the Examiner tries to read the limitation "gateway" on a DHCP server. That just does not work. If the DHCP server is either non-existent or dead, then you are not going to test for its existence after you have figured out it does not exist (or is dead).

Moreover, reading the term gateway on a DHCP server is just a convenient way to reject this claim, but gateways and DHCP servers are different devices in the world of networking and there is not justification given for reading one term on the other.

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In the rejection of claim 17, there is no justification given for reading one term on the other and moreover, when it is done, the analysis falls apart.

Withdrawal of the rejections and allowance of the claims are respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on


October 2, 2007
(Date of Transmission)

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Respectfully submitted,


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